

**UNITED STATES DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE
CONGAREE NATIONAL PARK
COMMERCIAL FILMING POLICY**

“The service...shall promote and regulate the use of ...national parks...[its] purpose is to conserve the scenery and the natural and historic objects and the wild lie therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” (16 U.S.C. 1)

The National Park Service units have been utilized for a diversity of commercial filming productions. The purpose of this policy is to provide a unified course of action for park management and to alleviate confusion for the commercial filmer.

It is the policy of the National Park Service to allow filming and photography when and where possible. National Park Service (NPS) policy also requires that primary consideration be given to potential resource damage and to anticipated disruption of normal public use.

To ensure protection of the diverse cultural, historic, and natural resources, all commercial filming requests involving the use of NPS lands must be approved through a permitting process initiated through the Park Superintendent or his/her designated representative. The authority for the management of commercial filming activities can be found in Title 16, U.S. Code and the Title 36, Code of Federal Regulations.

National Park Service Management Policies and Director's Order-53 Special Park Uses provide policy guidance for management of commercial filming activities. The following guidelines/procedures are established by the Superintendent of Congaree National Park as they relate to filming and photographic activities within the park.

FILMING PERMITS - Filming permits are required for any commercial filming or photography that occurs within Congaree National Park. For purposes of definition "filming" or "film making" is commercial motion picture photography or video taping. Documentaries, travelogues, feature stories and similar types of filming also require a permit.

A permit is not required for:

- Visitors using a camera and/or a recording device for his/her own personal use and within normal visitation areas and hours;
- Press coverage of breaking news. Although breaking news would not require a permit, this activity is subject to restrictions and conditions necessary to protect park resources and public safety.

Filming activities should not conflict unduly with the visitors' experiences in the park. Permits issued for commercial photography (advertising) specifically prohibit implied or stated endorsement by the National Park Service. Identifiable NPS equipment, uniforms, signs, buildings or insignia may not be portrayed in commercial advertising in any way that would imply NPS endorsement of the product.

A request for a filming permit may be denied if:

- In the opinion of the Superintendent or his/her designee, the filming activity requested represents a potential for harm or impact on the park's natural, cultural, wilderness or recreational resources, may create health or safety risks, or disrupt visitor use and enjoyment;
- It is determined that supervisory requirements for the proposed project will place unreasonable burdens on park staff, regardless of the applicant's willingness to pay supervisory costs;
- The project depicts activities that are not permitted within a recognized park area;
- The permittee fails to obtain insurance/bonding, or to agree to pay assessed cost recovery;
- The proposed filming would conflict with the visitor's normal use of the park;

Filming permits are issued by authority of the Superintendent. Application for a filming permit should be made through the submission of a Commercial Filming Application along with a **\$200** application and processing fee to:

Superintendent, Congaree National Park
100 National Park Road
Hopkins, SC 29061

Application fees are non-refundable. Checks should be made payable to Congaree National Park.

In addition, a location fee will be charged based on the following:

Location Fee Schedule
National Park Service
FY 2007

Motion Pictures/Videos		Still Photography	
1 – 2 people, camera and tripod only	\$0/day		
1 - 10 people	\$150/day	1 - 10 people	\$50/day
11 - 30 people	\$250/day	11 - 30 people	\$150/day
31 - 49 people	\$500/day	Over 30 people	\$250/day
Over 50 people	\$750/day		

* Please note that commercial videographers, cinematographers or sound recording crews of up to two people with only minimal equipment (i.e. a camera and a tripod) working in areas open to the public are required to obtain a commercial filming permit and are subject to appropriate permit terms and conditions and cost recovery charges but are not subject to location fees.

- A minimum of **thirty** working days will normally be required for administrative review of the proposed filming activity, though smaller projects may be reviewed in less time.
- After the approval of a filming application, park officials may require a pre-activity meeting with the permittee (including, but not limited to the producer, director, location and/or production manager.) Depending on the scope of the project, such a meeting would be to review final conditions, special instructions, and possibly to complete an on-site visit. Meetings for small projects, which have minimal potential for impact, can occur by phone.
- After a permit is approved, minor changes may be made by amendment or with on-site NPS monitor approval. Major changes may require issuance of a new permit. Notification of delays or schedule changes must be provided to the NPS at least 36 hours in advance. Failure to provide

notification of delays will result in a non-refundable, minimum charge for each staff person scheduled for the activity. This charge will be the equivalent of two hours of overtime for each employee assigned.

- All permitted filming activities will be conducted in strict compliance with all Federal, State, county and municipal laws, ordinances, or regulations applicable to the area of operation covered under the agreement. Filming will not be allowed in those areas closed to public use, unless specifically authorized.

- All vehicles used by the film company will be subject to applicable rules and regulations and length/size limitations, unless specifically authorized in the filming permit. Car carriers and trailers will **not be** allowed to use park overlooks for turning without approval from monitoring NPS personnel. Although filming companies may be allowed to use park overlooks for filming activities, at no time will overlooks be closed to the visiting public. Delays in vehicular traffic flow or visitor access to park areas will not exceed **10 minutes** at a time.

- Removal of park signs must be requested in writing as part of the application process identifying the sign text and location. Historic signs and signs deemed essential for public use and/or safety will **not be** authorized for temporary removal. Permittee will be responsible for any authorized removal and replacement and an additional monitoring fee of \$20 per sign.

- Use of aircraft during filming activities are restricted to 500 ft. above ground level with no hovering over NPS lands.

RESOURCE DAMAGE - Filming activities which exhibit the potential for resource damage will be denied. Examples of resource damage include, but are not limited to: driving vehicles off established roadways, unauthorized use of aircraft, cutting trees or otherwise damaging vegetation. Destroying or altering resources will not be allowed. Temporary, non-destructive activities, such as placing a prop, tent, vehicle, actor, etc., may be allowed if the resources can be left undamaged after filming is complete.

DISRUPTION OF VISITOR ACTIVITIES - National Park Service policy states that filming activity must not unduly disrupt normal visitor use of the park. Requests from film makers for temporary, brief closures of visitor use areas will be considered on a case-by-case basis but will generally be denied. Filming requests during higher periods of high visitation in the park, i.e. weekends in October and holidays will generally **not be approved**.

BOND REQUIREMENT - After review of the permit application the permittee may be required to post a bond or cash deposit to assure the area is left in its original condition. Bonds will only be required if the filming activity has a reasonable potential to impact Parkway resources or facilities.

GENERAL LIABILITY INSURANCE - General liability insurance is required in order to protect the U.S. Government from claims or litigation connected with injury or damage resulting from the actions of the permittee or his/her agents or employees. Film companies must obtain general liability insurance with a certificate of insurance naming Congaree National Park as an additional insured. A certificate of insurance must be provided to the park prior to permit issuance.

General liability insurance amounts are:

- 1) Personal liability minimum of \$300,000.
- 2) Minimum commercial liability (still photo or small film/video projects of fewer than 15 people) \$500,000.
- 3) General commercial liability for film production companies. \$1,000,000.
- 4) Special activities with high damage/injury risks - \$2,000,000 to \$5,000,000 or more.

NATIONAL PARK SERVICE SUPERVISION AND COSTS- Filming activities authorized by permit may be supervised by an NPS employee to assure full compliance with all terms of the permit. The level and type of supervision will be determined by the extent and complexity of the filming operation. In operations involving few people and minimal equipment or taking place where there is little, if any, possibility of resource damage or violation of permit requirements or inconvenience to the visitor, filming activities will be spot checked to assure compliance. The cost of this supervision is included in the administrative permit fee. If additional NPS supervision is required, **a charge of \$55.00 per hour/per ranger will be assessed.** All anticipated charges must be paid to the NPS prior to actual filming. Any unforeseen charges will be billed to the permittee after completion of filming activities.

RESTRICTIONS AND CONDITIONS – will be enumerated in the permit. The following activities are restricted and must be approved on a case by case basis: 1) use of children or animals, 2) discharge of blank ammunition and all black powder weapons, 3) mechanical or pyrotechnic special effects, 4) stunts, 5) amplified music or sound, 6) placing of large set dressings, 7) filming photography inside interiors of government administrative work areas, 8) film equipment or activities on roadways, 9) access to closed areas or access to areas during non-visitor use hours. The permit will specify the number of people and the exact types of equipment allowed. Activities not specified in the permit will not be allowed by the NPS monitor on duty. Please note that the permit does not include authority to film or photograph individuals. Model releases are the responsibility of the permittee.

DONATIONS - Donations of money, equipment and/or services, to the park are accepted. Donations will be deposited and allocated according to NPS policy. The park may also request a copy of the final product for documentation purposes.